

COPY

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IN THE MATTER OF:

Premises: 1821 Topping Avenue
Bronx, New York 10455

Seller: 1821 Topping Avenue LLC

Purchaser: FMTB BH LLC
-----x

80 Broad Street
New York, New York

December 18, 2017
10:40 a.m.

STATEMENT, held at the above
time and place, before a Notary Public
within and for the State of New York.

SANDY SAUNDERS REPORTING
254 South Main Street, Suite 216
New City, New York 10956
(845) 634-7561

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A P P E A R A N C E S:

THE LAW OFFICE OF IZIDOR MIKHLI, PLLC
Attorneys for Purchaser
2995 Quentin Road
Brooklyn, New York 11229
BY: NO APPEARANCE

GOLDSTEIN HALL PLLC
Attorneys for Seller
80 Broad Street - Suite 303
New York, New York 10004
BY: BRIAN S. HSU, ESQ.
NIKI TSISMENAKIS, ESQ.

1 PROCEEDINGS

2 MR. HSU: It is December 18,
3 2017 at 10:40 a.m. My name is Brian
4 Hsu, partner at Goldstein Hall. I
5 have Niki Tsismenakis, senior
6 associate at Goldstein Hall here
7 with me as well. She is a certified
8 and qualified notary.

9 MS. TSISMENAKIS: Yes, in the
10 State of New York. My notary number
11 is 02CS6264869.

12 MR. HSU: Goldstein Hall is
13 representing the seller,
14 1821 Topping Avenue LLC in the sale
15 of 1821 Topping Avenue, Bronx, New
16 York 10455 to FMTB BH LLC. The
17 purchaser's attorney is Izidor
18 Mikhli, and we sent them a time of
19 the essence letter dated December 5,
20 2017 as a courtesy related to a
21 contract of sale for the property
22 dated June 19, 2017 with an addendum
23 stating that it is a time of the
24 essence contract dated October 4,
25 2017. The time of the essence is

1 PROCEEDINGS

2 for December 18, 2017, today's date.

3 The seller is ready, willing
4 and able to sell the property with
5 insurable title pursuant to the
6 contract and the addendum. I have
7 in front of me a closing statement
8 with the purchase price of
9 \$688,888.89. The only lien on title
10 is a mortgage for \$11,250.73 to FCI
11 Lender Services.

12 The title fees including
13 transfer tax fees, other open
14 violations and payable including
15 other reasonable transactional
16 closing costs will be covered by the
17 purchase price which is coming from
18 the purchase who is not here today.
19 The payoff letter is here.

20 So pursuant to the contract of
21 sale, I have here in front of me the
22 bargain and sale deed from
23 1821 Topping Avenue LLC to FMTB BH
24 LLC which I will sign now. Me,
25 Brian Hsu, has the authority

1 PROCEEDINGS

2 pursuant to a resolution from
3 1821 Topping Avenue LLC to sign on
4 behalf of the LLC. The sole member
5 of the LLC is Ihsan Saleem. I am
6 now signing the deed over to the
7 purchaser and Niki will be
8 notarizing for me.

9 I am now signing the ACRIS
10 documents that are required to be
11 delivered and registered with the
12 deed on behalf of the grantor.

13 MS. TSISMENAKIS: I am
14 notarizing the deed and ACRIS form
15 on behalf of the seller grantor.

16 MR. HSU: For the record, we
17 did notify Riverside Abstract on
18 December 14, 2017 via e-mail to Leah
19 Newman at Riverside providing all
20 docs for the seller, the
21 resolutions, the resolutions for the
22 exception 8A, B, C, D, E, F, G and
23 H, exception 2837 which requires the
24 bankruptcy order approval and the
25 mortgage pay off letters. She

PROCEEDINGS

confirmed receipt at 3:14 p.m. of
that e-mail.

Therefore, at this time upon
execution of the deed and the ACRIS
documents, we declare the purchaser
in default for failure to provide
the purchase price pursuant to the
contract of sale and addendum.

C E R T I F I C A T I O N

I, MARJZENA HERMANOWSKI, a
Stenotype Shorthand Reporter and Notary
Public within and for the State of New
York, do hereby certify that the foregoing
is a true and accurate transcription of my
stenographic notes.

I further certify that I am not
employed by nor related to any party to
this action.

IN WITNESS WHEREOF, I have hereunto
set my hand this 12th day of January, 2018.



MARJZENA HERMANOWSKI

1 Errata Sheet

2

3 NAME OF CASE: IN THE MATTER OF: 1821 TOPPING AVENUE

4 DATE OF DEPOSITION: 12/18/2017

5 NAME OF WITNESS: 10 40 A.M. CLOSING

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page _____ Line _____ Reason _____

11 From _____ to _____

12 Page _____ Line _____ Reason _____

13 From _____ to _____

14 Page _____ Line _____ Reason _____

15 From _____ to _____

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21 From _____ to _____

22 Page _____ Line _____ Reason _____

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COPY

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IN THE MATTER OF:

Premises: 1143 Forest Avenue
Bronx, New York 10455

Seller: 1143 Forest Avenue LLC

Purchaser: FMTB BH LLC
-----x

80 Broad Street
New York, New York

December 18, 2017
10:50 a.m.

STATEMENT, held at the above
time and place, before a Notary Public
within and for the State of New York.

SANDY SAUNDERS REPORTING
254 South Main Street, Suite 216
New City, New York 10956
(845) 634-7561

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A P P E A R A N C E S:

THE LAW OFFICE OF IZIDOR MIKHLI, PLLC
Attorneys for Purchaser
2995 Quentin Road
Brooklyn, New York 11229
BY: NO APPEARANCE

GOLDSTEIN HALL PLLC
Attorneys for Seller
80 Broad Street - Suite 303
New York, New York 10004
BY: BRIAN S. HSU, ESQ.
NIKI TSISMENAKIS, ESQ.

1 PROCEEDINGS

2 MR. HSU: It is December 18,
3 2017 at 10:50 a.m. My name is Brian
4 Hsu, partner at Goldstein Hall. I
5 have Niki Tsismenakis, senior
6 associate at Goldstein Hall here
7 with me as well. She is a certified
8 and qualified notary.

9 MS. TSISMENAKIS: Yes, in the
10 State of New York. My notary number
11 is 02CS6264869.

12 MR. HSU: This is for the sale
13 of 1143 Forest Avenue by 1143 Forest
14 Avenue LLC to FMTB BH LLC. The
15 seller contracted with the purchaser
16 to sell 1143 Forest Avenue for a
17 purchase price of \$688,888.89
18 pursuant to a contract of sale dated
19 June 19, 2017 with an addendum for a
20 time of the essence date of
21 December 18, 2017. The addendum was
22 signed on October 4, 2017.

23 We are here to provide clean
24 title and transfer the deed to the
25 purchaser. Please note for the

1 PROCEEDINGS

2 record the purchaser is not here
3 even though they received a time of
4 the essence letter from our office
5 dated December 5, 2017 reminding
6 them of their time of the essence
7 obligations pursuant to the contract
8 of sale.

9 At this time the only
10 encumbrance on title is a mortgage
11 to Superior Loan Service Inc. for
12 \$344,155,35 of which the purchase
13 price will pay to remove that
14 encumbrance. Any and all other
15 violations will be addressed through
16 title and the payment of those will
17 be through the purchase price.

18 We informed the title company,
19 Riverside Abstract, on Thursday,
20 December 14 that we would have a
21 closing today. We provided them all
22 necessary documents to effectuate
23 the transfer and provide clean title
24 today. They have not appeared.

25 All necessary violations and

1 PROCEEDINGS

2 encumbrances subject to the contract
3 of sale will have been addressed
4 through the monetary payments and
5 documents provided to Riverside
6 Abstract.

7 In front of me, I have a
8 resolution from 1143 Forest Avenue
9 whose sole member is Ihsan Saleem
10 authorizing me, Brian Hsu, to
11 execute any documents required to
12 effectuate the transfer of the
13 property. I also have in front of
14 me a bargain and sale deed dated the
15 date hereof from 1143 Forest Avenue
16 LLC to FMTB BH LLC, purchaser under
17 the contract of sale. I am now
18 signing as authorized signatory and
19 I am asking Ms. Tsismenakis to
20 notarize my signature.

21 I also have in front of me the
22 ACRIS documents required to be filed
23 with the deed. I will be signing on
24 behalf of the grantor.

25 MS. TSISMENAKIS: I am

PROCEEDINGS

notarizing the ACRIS and deed.

MR. HSU: At this time the seller is ready, willing and able to sell the property with insurable title pursuant to the contract of sale and addendum. The purchaser has failed to appear and provide the purchase price as required by the contract of sale and addendum. Therefore, we declare the purchaser in default of the contract.

C E R T I F I C A T I O N

I, MARJZENA HERMANOWSKI, a
Stenotype Shorthand Reporter and Notary
Public within and for the State of New
York, do hereby certify that the foregoing
is a true and accurate transcription of my
stenographic notes.

I further certify that I am not
employed by nor related to any party to
this action.

IN WITNESS WHEREOF, I have hereunto
set my hand this 12th day of January, 2018.

A handwritten signature in black ink, appearing to read 'Marjzena Hermanowski', is written over the printed name.

MARJZENA HERMANOWSKI

1 Errata Sheet

2

3 NAME OF CASE: IN THE MATTER OF: 11443 FOREST AVENUE

4 DATE OF DEPOSITION: 12/18/2017

5 NAME OF WITNESS: 10 50 A.M. CLOSING

6 Reason Codes:

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under 5:16

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Yes 3:9**York** 3:10

COPY

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IN THE MATTER OF:

Premises: 770 Beck Street
Bronx, New York 10455

Seller: 700 Beck Street LLC

Purchaser: FMTB BH LLC
-----x

80 Broad Street
New York, New York

December 18, 2017
11:00 a.m.

STATEMENT, held at the above
time and place, before a Notary Public
within and for the State of New York.

SANDY SAUNDERS REPORTING
254 South Main Street, Suite 216
New City, New York 10956
(845) 634-7561

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A P P E A R A N C E S:

THE LAW OFFICE OF IZIDOR MIKHLI, PLLC
Attorneys for Purchaser
2995 Quentin Road
Brooklyn, New York 11229
BY: NO APPEARANCE

GOLDSTEIN HALL PLLC
Attorneys for Seller
80 Broad Street - Suite 303
New York, New York 10004
BY: BRIAN S. HSU, ESQ.
NIKI TSISMENAKIS, ESQ.

1 PROCEEDINGS

2 MR. HSU: It is December 18,
3 2017 at 11:00 a.m. My name is Brian
4 Hsu, partner at Goldstein Hall. I
5 have Niki Tsismenakis, senior
6 associate at Goldstein Hall here
7 with me as well. She is a certified
8 and qualified notary.

9 MS. TSISMENAKIS: Yes, in the
10 State of New York. My notary number
11 is 02CS6264869.

12 MR. HSU: We are here to sell
13 the property at 770 Beck Street,
14 Bronx, New York 10455 from 700 Beck
15 Street LLC to FMTB BH LLC. The
16 attorney for the purchaser is Izidor
17 Mikhli. We represent the seller
18 700 Beck Street LLC.

19 We have entered into a
20 contract of sale with the purchaser
21 for \$688,888.89 pursuant to a
22 contract sale dated June 19, 2017
23 with an addendum dated October 4,
24 2017. In the addendum the purchaser
25 agreed to a time of the essence date

1 PROCEEDINGS

2 as of December 18, 2017, which is
3 today's date.

4 As a courtesy to the
5 purchaser, our office provided them
6 a reminder letter dated December 5,
7 2017. The purchaser has failed to
8 show up as of today. Pursuant to
9 our closing statement, all proceeds
10 to provide clean title from the
11 seller to the purchaser will be
12 taken care of through the purchase
13 price.

14 The only mortgage on the
15 property is through RCN Capital
16 Funding LLC of which we have a
17 payoff letter. The amount with
18 today's interest amounts to
19 \$60,292.68. All the closing costs
20 are allocated for and paid for from
21 the purchase price. Seller remains
22 ready, willing and able to sell the
23 property pursuant to the contract of
24 sale as of today's date.

25 In front of me I have a

1 PROCEEDINGS

2 resolution from 700 Beck Street LLC
3 authorizing me, Brian Hsu, the power
4 to execute any document on behalf of
5 the company to further the sale of
6 the property. It is signed by Ihsan
7 Saleem, the sole member of 700 Beck
8 Street LLC.

9 Also in front of me, I have a
10 bargain and sale deed dated the date
11 here between 700 Beck Street LLC and
12 FMTB BH LLC which I am signing now
13 as agent for 770 Beck Street as
14 authorized signatory. I am asking
15 Niki Tsismenakis to notarize my
16 signature. I also have in front of
17 me ACRIS documents to be filed with
18 the city registrar.

19 At this time the seller
20 remains ready, willing and able to
21 sell the property pursuant to the
22 contract of sale. The purchaser has
23 failed to appear and provide the
24 purchase price and related closing
25 cost checks. Therefore, we declare

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PROCEEDINGS

the purchaser in default of the
contract.

MS. TSISMENAKIS: I completed
the notarization of the deed and
ACRIS form.

C E R T I F I C A T I O N

I, MARJZENA HERMANOWSKI, a
Stenotype Shorthand Reporter and Notary
Public within and for the State of New
York, do hereby certify that the foregoing
is a true and accurate transcription of my
stenographic notes.

I further certify that I am not
employed by nor related to any party to
this action.

IN WITNESS WHEREOF, I have hereunto
set my hand this 12th day of January, 2018.

A handwritten signature in black ink, appearing to read 'Marjzena Hermanowski', is written over the printed name.

MARJZENA HERMANOWSKI

1 Errata Sheet

2

3 NAME OF CASE: IN THE MATTER OF: 770 BECK STREET

4 DATE OF DEPOSITION: 12/18/2017

5 NAME OF WITNESS: 11 00 A.M. CLOSING

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

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10 Page _____ Line _____ Reason _____

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15 From _____ to _____

16 Page _____ Line _____ Reason _____

17 From _____ to _____

18 Page _____ Line _____ Reason _____

19 From _____ to _____

20 Page _____ Line _____ Reason _____

21 From _____ to _____

22 Page _____ Line _____ Reason _____

23 From _____ to _____

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9Index: \$60,292.68—resolution

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COPY

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IN THE MATTER OF:

Premises: 1974 Morris Avenue
Bronx, New York 10455

Seller: 1974 Morris Avenue LLC

Purchaser: FMTB BH LLC
-----X

80 Broad Street
New York, New York

December 18, 2017
11:10 a.m.

STATEMENT, held at the above
time and place, before a Notary Public
within and for the State of New York.

SANDY SAUNDERS REPORTING
254 South Main Street, Suite 216
New City, New York 10956
(845) 634-7561

1

2 A P P E A R A N C E S:

3

4

THE LAW OFFICE OF IZIDOR MIKHLI, PLLC
Attorneys for Purchaser
2995 Quentin Road
Brooklyn, New York 11229
BY: NO APPEARANCE

6

7

8

GOLDSTEIN HALL PLLC
Attorneys for Seller
80 Broad Street - Suite 303
New York, New York 10004
BY: BRIAN S. HSU, ESQ.
NIKI TSISMENAKIS, ESQ.

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1 PROCEEDINGS

2 MR. HSU: It is December 18,
3 2017 at 11:10 a.m. My name is Brian
4 Hsu, partner at Goldstein Hall. I
5 have Niki Tsismenakis, senior
6 associate at Goldstein Hall here
7 with me as well. She is a certified
8 and qualified notary.

9 MS. TSISMENAKIS: Yes, in the
10 State of New York. My notary number
11 is 02CS6264869.

12 MR. HSU: We are here to sell
13 the property at 1974 Morris Avenue,
14 Bronx, New York 10455 from
15 1974 Morris Avenue LLC to FMTB BH
16 LLC. We represent the seller in
17 this transaction. The purchaser is
18 represented by Izidor Mikhli.

19 Pursuant to a contract of sale
20 dated June 19, 2017 and an addendum
21 dated October 4, 2017, we have
22 agreed to sell the property for
23 \$516,666.67. The purchaser agreed
24 to a time of the essence date as of
25 December 18, 2017 which is today's

PROCEEDINGS

date.

Please note for the record that the purchaser is not here even though they received a reminder notice of December 5, 2017 notifying them of their contractual obligations to attend and close on December 18, 2017.

Pursuant to our closing statement, to deliver to the purchaser, we have taken in account all violations and title encumbrances. We have allocated 75,000 for a partial payoff of 1988 Morris to Cohen Financial even though there is no mortgage on record for this particular property. All other closing fees are accounted for out of the purchase price including title fees.

In front of me I have a resolution from 1974 Morris Avenue LLC authorizing Brian Hsu to be an authorized signatory to effectuate

1 PROCEEDINGS

2 the transfer of the property from
3 1974 Morris Avenue LLC to FMTB BH
4 LLC. It is signed by Rafael Telahum
5 who is the sole member of
6 1974 Morris Avenue LLC.

7 Also in front of me, I have a
8 bargain and sale dated the date
9 hereof between 1974 Morris Avenue
10 LLC and FMTB BH LLC transferring the
11 property and fee to the purchaser.

12 I am signing as authorized signatory
13 on behalf of 1974 Morris Avenue LLC.

14 I am asking Niki Tsismenakis to
15 notarize my signature. I have also
16 in front of me the ACRIS documents
17 required to be filed with the deed
18 in the city registrar's office.

19 MS. TSISMENAKIS: I have
20 received the deed and ACRIS forms
21 and I am notarizing them.

22 MR. HSU: At this time the
23 seller remains ready, willing and
24 able to sell the property with
25 insurable title pursuant to the

PROCEEDINGS

contract of sale and addendum. Note
that the purchaser is not in
attendance and has not provided the
required checks to pay the purchase
price and his obligations under the
contract of sale. Therefore, we
declare the purchaser in default
under the contract of sale.

C E R T I F I C A T I O N

I, MARJZENA HERMANOWSKI, a
Stenotype Shorthand Reporter and Notary
Public within and for the State of New
York, do hereby certify that the foregoing
is a true and accurate transcription of my
stenographic notes.

I further certify that I am not
employed by nor related to any party to
this action.

IN WITNESS WHEREOF, I have hereunto
set my hand this 12th day of January, 2018.

A handwritten signature in black ink, appearing to read 'Marjzena Hermanowski', is written over the printed name.

MARJZENA HERMANOWSKI

1 Errata Sheet

2

3 NAME OF CASE: IN THE MATTER OF: 1974 MORRIS AVENUE

4 DATE OF DEPOSITION: 12/18/2017

5 NAME OF WITNESS: 11 10 A.M. CLOSING

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page _____ Line _____ Reason _____

11 From _____ to _____

12 Page _____ Line _____ Reason _____

13 From _____ to _____

14 Page _____ Line _____ Reason _____

15 From _____ to _____

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17 From _____ to _____

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23 From _____ to _____

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COPY

-----X
IN THE MATTER OF:

Premises: 1988 Morris Avenue
Bronx, New York 10455

Seller: 1988 Morris Avenue LLC

Purchaser: FMTB BH LLC
-----X

80 Broad Street
New York, New York

December 18, 2017
11:20 a.m.

STATEMENT, held at the above
time and place, before a Notary Public
within and for the State of New York.

SANDY SAUNDERS REPORTING
254 South Main Street, Suite 216
New City, New York 10956
(845) 634-7561

A P P E A R A N C E S:

THE LAW OFFICE OF IZIDOR MIKHLI, PLLC
Attorneys for Purchaser
2995 Quentin Road
Brooklyn, New York 11229
BY: NO APPEARANCE

GOLDSTEIN HALL PLLC
Attorneys for Seller
80 Broad Street - Suite 303
New York, New York 10004
BY: BRIAN S. HSU, ESQ.
NIKI TSISMENAKIS, ESQ.

1 PROCEEDINGS

2 MR. HSU: It is December 18,
3 2017 at 11:20 a.m. My name is Brian
4 Hsu, partner at Goldstein Hall. I
5 have Niki Tsismenakis, senior
6 associate at Goldstein Hall here
7 with me as well. She is a certified
8 and qualified notary.

9 MS. TSISMENAKIS: Yes, in the
10 State of New York. My notary number
11 is 02CS6264869.

12 MR. HSU: We are here to sell
13 1988 Morris Avenue, Bronx, New York
14 10455. We represent the seller
15 1988 Morris Avenue LLC who has
16 entered into a contract of sale with
17 FMTB BH LLC for the property at
18 1988 Morris Avenue.

19 We entered into a contract of
20 sale dated June 18, 2017 with an
21 addendum dated October 4, 2017. The
22 purchase price is \$516,607.67. The
23 purchaser agreed to a time of the
24 essence date as of December 18, 2017
25 which is today's date. Note that

1 PROCEEDINGS

2 the purchaser is not here in
3 attendance.

4 Pursuant to our closing
5 statement delivered to the
6 purchaser's attorney, we have enough
7 proceeds to sell the property free
8 and clear of all liens and
9 encumbrances and the mortgage in the
10 amount of \$261,944.83 from Cohen
11 Financial is enough to satisfy their
12 open mortgage with the addition of
13 \$75,000 from the sale of 1974 Morris
14 Avenue. All the violations and
15 closing costs required to be paid by
16 the seller have been taken care of
17 through the purchase price.

18 The purchaser's attorney was
19 delivered a reminder notice of
20 today's closing as of December 5,
21 2017 from our office reminding them
22 of their contractual obligations to
23 close on December 18, 2017. We also
24 informed the title company Riverside
25 Abstract dated December 14, 2017

1 PROCEEDINGS

2 providing them all necessary
3 documents to provide a clean title
4 pursuant to the contract of sale.

5 In front of me I have a
6 resolution from 1988 Morris Avenue
7 LLC authorizing me, Brian Hsu, all
8 rights and power to execute any
9 documents to transfer the property
10 to FMTB BH LLC. It is signed by
11 Ihsan Saleem as the sole member of
12 the LLC.

13 In addition, I have a bargain
14 and sale deed from 1988 Morris
15 Avenue LLC date the date hereof to
16 FMTB BH LLC granting free title to
17 the purchaser. I am now signed the
18 deed as authorized signatory.

19 I have in front of me the
20 ACRIS documents that are required to
21 be filed with the deed. I am now
22 signing on behalf of the grantor
23 seller.

24 MS. TSISMENAKIS: I have in
25 front of me the deed and ACRIS forms

1 PROCEEDINGS

2 and I am going to notarize Brian
3 Hsu's signature.

4 MR. HSU: At this time the
5 seller remains ready, willing and
6 able to sell the property with
7 insurable title pursuant to the
8 contract of sale. The purchaser has
9 failed to appear and provide the
10 necessary checks pursuant to their
11 obligations under the contract of
12 sale and addendum. At this time we
13 declare the purchaser in default
14 under the contract of sale.

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C E R T I F I C A T I O N

I, MARJZENA HERMANOWSKI, a
Stenotype Shorthand Reporter and Notary
Public within and for the State of New
York, do hereby certify that the foregoing
is a true and accurate transcription of my
stenographic notes.

I further certify that I am not
employed by nor related to any party to
this action.

IN WITNESS WHEREOF, I have hereunto
set my hand this 12th day of January, 2018.

A handwritten signature in black ink, appearing to read 'Marjzena Hermanowski', is written over the printed name.

MARJZENA HERMANOWSKI

1 Errata Sheet

2

3 NAME OF CASE: IN THE MATTER OF: 1988 MORRIS AVENUE

4 DATE OF DEPOSITION: 12/18/2017

5 NAME OF WITNESS: 11 20 A.M. CLOSING

6 Reason Codes:

7 1. To clarify the record.

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17 From _____ to _____

18 Page _____ Line _____ Reason _____

19 From _____ to _____

20 Page _____ Line _____ Reason _____

21 From _____ to _____

22 Page _____ Line _____ Reason _____

23 From _____ to _____

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